IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 12522 of 2007(N)

PETITIONER:

K.P.KARTHYAYANI AMMA, 73 YEARS,
W/O LATE KODAKKAL PUTHIYAVEETTIL NARAYANAN NAIR,
KODIYATH HOUSE, KANKOL PURAM, KANKOL,
PAYYANNUR, KANNUR DISTRICT.

BY ADV. SMT.S.K.DEVI
SRI.K.P.PRADEEP (PAYYANNUR)

RESPONDENTS:

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1. THE SPECIAL TAHASILDAR(LA)
EZHIMALA NAVAL ACADEMY, PAYYANNUR.

2. THE DISTRICT COLLECTOR,
COLLECTORATE, KANNUR.

3. STATE OF KERALA REPRESENTED BY ITS
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SHRI L.G.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF NOTICE NO.F 408/97 DATED 7.11.2000

EXT.P2 TRUE COPY OF CERTIFICATE NO.K.DIS.17902/2000/G1 DATED 8.3.2001

EXT.P3 TRUE COPY OF NOTICE NO.C 412/05 DATED 29.11.2005

EXT.P4 TRUE COPY OF NOTICE NO.412/05 DATED 31.1.2006

//TRUE COPY//

K. PADMANABHAN NAIR ,J

W.P.(C) No.12522 of 2007 N

Dated, this the 24th day of August, 2007

JUDGMENT

0.7080 hectares of land comprised in R.S.No.405/5 of Ramanthali amsom, desom owned by the petitioner's husband was acquired for a public purpose. Petitioner's husband did not file any application for referring the matter for enhancement/re-determination of compensation. But subsequently he filed an application under Section 28A of the Land Acquisition Act claiming enhancement. Land Acquisition Officer considered the matter and passed a revised award also. Ext.P1notice was issued to the petitioner's husband. According to the petitioner no interest was awarded on the re-determined compensation including solatium.

2. Respondents filed a counter affidavit. The contention raised by the petitioner that she was not awarded interest for the re-determined compensation was not denied. In view of the principles laid down in **Sunder v. Union of India (2001 (3) KLT 489 SC)** the petitioner is entitled to get interest on the enhanced compensation including solatium. It is trite law that when the Land Acquisition Officer re-determines the compensation under Section 28A of the Land Acquisition Act parties are entitled to get interest in accordance with the provisions of the Act on the enhanced compensation including solatium. So if no interest was awarded that is illegal. Considering all aspects of the matter I am of the view that it is only just and proper to issue a direction to the Land Acquisition

Officer to consider the request made by the petitioner for awarding interest for the re-determined compensation including solatium and pass appropriate orders within a time frame.

In the result, Writ Petition is disposed of with a direction to the Land Acquisition Officer to consider the request made by the petitioner for interest on the re-determined compensation including solatium and pass appropriate orders awarding interest on the same as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

K. PADMANABHAN NAIR
JUDGE

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